

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DOUGLAS MASTRIANO,

Plaintiff,

v.

JAMES GREGORY III, *et al.*,

Defendants.

**CIVIL ACTION NO.:
5:24-cv-00567-F**

**DEFENDANT GREGORY’S MOTION FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFF’S COMPLAINT**

Under LCvR 6.3, Defendant James Gregory (erroneously sued as James Gregory III) respectfully moves this Court for a thirty (30) day extension of time—to September 19, 2024—to file his answer or otherwise respond to Plaintiff’s Complaint. Good cause exists for the requested extension as follows:

1. Defendant Gregory was served on July 30, 2024, making his current deadline to respond to the Complaint on August 20.
2. No previous motion for an extension has been made.
3. Defendant Gregory needs additional time because he did not secure representation until August 7, 2024. He and his counsel need time to investigate the alleged facts and legal theories of Mastriano’s nine causes of action, including multiple claims under the Racketeer Influenced and Corrupt Organizations (RICO) Act and Sherman Antitrust Act. (Dkt. 1, Compl ¶¶ 1,3.) Given Plaintiff’s status as an elected official, the

Complaint's defamation allegations also implicate important First Amendment concerns.
(*Id.*)

4. Plaintiff's counsel does not consent to Defendant Gregory's requested extension. Defendant Gregory declined his request for a waiver of service under F.R.C.P. 4. However, Defendant Gregory did not have legal representation when Plaintiff's counsel made this request and hesitated to agree without the opportunity to speak with counsel concerning the implications of waiving service.

5. The requested extension will not bear upon any other pending deadlines, as none has been set by the Court.

6. Defendant Gregory requests that the Court extend his deadline to answer or otherwise respond to the Complaint by thirty (30) days to September 19, 2024, for good cause shown.

Dated: August 8, 2024

Respectfully submitted,

**HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NELSON, P.C.**

By: *s/Robert D. Nelon*

Robert D. Nelon, OBA #6610
100 North Broadway, Suite 2900
Oklahoma City, OK 73102-8865
Telephone: (405) 553-2828
Facsimile: (405) 553-2855
Email: bnelon@hallestill.com

**ATTORNEYS FOR DEFENDANT
JAMES GREGORY**

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2024, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing, which will transmit a Notice of Electronic Filing to all ECF registrants of record in this matter.

s/Robert D. Nelon